

EXHIBIT 2

From: [remy.green](#)
To: [Oiney, Michael \(LAW\)](#)
Cc: [Bull, Gina](#); [Marts, Sergey \(LAW\)](#); [PBALitigationTeam@schlamstone.com](#); [macquisto@quinnlawny.com](#); [aguinn@quinnlawny.com](#); [Stephen McQuade](#); [Payne Litigation Team](#); [Sow-Legal@blhny.com](#); [Gray Legal Team-External](#); [rolonlegalteam@aboushi.com](#); [AG-NYPDLitigation](#); [Steven Bushnell](#); [Lalit Loomba](#); [NYC Law Protest Team](#)
Subject: Re: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition
Date: Friday, April 21, 2023 2:19:42 PM

Hi Michael,

We were all on the Zoom for 15 minutes to make sure no one joined us. We note that you also did not say there was any issue with keeping one of the two times at any stage.

At this stage, you've had our full motion for a week. You've had the requests to meet and confer for two weeks. And Sergey misleadingly said he would respond last week just before going on vacation. This should not be so difficult.

We are available until 12:40 p.m. on Monday to confer. In the alternative, Defendants can simply confirm in writing (before then) that (1) they will be designating a witness who will actually be sufficiently knowledgeable to cover these topics; and (2) they will be doing so by Friday, April 28, 2023. Otherwise, we see no reason this needs to be dragged out further. The substance here should not require much discussion. Your witness said he was not prepared using identical language no less than 194 times (not counting the times he said it twice to the same question). There is no question that what happened was inadequate preparation and most of the questions (as demonstrated in our draft) were not remotely close calls.

So: We will file this motion unless we meet and confer by 12:40 Monday, or hear from you that you will be designating a new witness by that same time.

Finally, if Defendants **explicitly commit that they are going to designate a new witness** (e.g., you are not going to show up and say "we are not willing to produce a witness" or try to convince us that this preparation was adequate) but want to discuss some details of that, we are open to holding off until Wednesday.

My cell phone is 312.203.8618 and I will pick up if humanly possible to discuss, at any point before 12:40 p.m. Monday.

Yours,

Remy.

J. Remy Green

Partner

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1639 Centre St., Ste. 216	Ridgewood (Queens), NY 11385



On Fri, Apr 21, 2023 at 1:44 PM remy green <remy@femmelaw.com> wrote:

We will also be on the Zoom at 2:00, and genuinely believe we can reach an impasse or agreement in about 5 minutes. I find it hard to believe your team does not have one person prepared to simply convey your position on this at this stage.

J. Remy Green

Partner

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On Fri, Apr 21, 2023 at 1:40 PM remy green <remy@femmelaw.com> wrote:

Okay. We are available for the next 24 business hours to confer, as required by Dkt. No. 317.

J. Remy Green

Partner

| Cohen&Green P.L.L.C. | [#FemmeLaw](#) |

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On Fri, Apr 21, 2023 at 1:34 PM Olney, Michael (LAW) <molney@law.nyc.gov> wrote:

Hi Remy,

We sincerely appreciate the courtesy extended by Plaintiffs under Dkt. No. 317.

However, as stated earlier, we are not available today but remain available for the Meet and Confer at the times stated in my prior email sent at 12:31pm.

Please advise.

Yours,

Michael

Michael E. Olney

New York City Law Department

100 Church Street

New York, NY 10007

molney@law.nyc.gov

T: 212-356-1008

From: remy green <remy@femmelaw.com>

Sent: Friday, April 21, 2023 12:41 PM

To: Olney, Michael (LAW) <molney@law.nyc.gov>

Cc: Bull, Gina <Gina.Bull@ag.ny.gov>; Marts, Sergey (LAW) <semarts@law.nyc.gov>;
PBALitigationTeam@schlamstone.com; macquisto@quinnlawny.com; aquinn@quinnlawny.com; Stephen
Mc Quade <SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com;
Gray Legal Team-External <GrayLegalTeam@dwt.com>;
rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven Bushnell
<sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>; NYC Law Protest Team

<NYCLawProtestTeam@law.nyc.gov>

Subject: Re: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Hi Michael,

We already extended this past the time under Dkt. No. 317 as a courtesy. Under Dkt. No. 317 we were available to confer the entire 24 hour period after sharing a draft, and no one attempted to confer. I apologize we did not confirm the time exactly, but we need to have this meeting today as offered.

If the precise time we set does not work, please just tell us when you are available. Otherwise, please take this email as a second Dkt. No. 317 notice, and we will be available for the next 24 hours, and then file.

I anticipate this meeting will be very short, so this should not be difficult to schedule.

Yours,

Remy.

J. Remy Green

Partner

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On Fri, Apr 21, 2023 at 12:31 PM Olney, Michael (LAW) <molney@law.nyc.gov> wrote:

Good afternoon counsel,

The meeting invitation to discuss Kanganis/Topics 20 & 21 was sent yesterday at 5:52pm, i.e., after the close of business.

When I had sent my prior email concerning this issue this past Monday, April 17 at 2:04pm, proposing two alternate times to have this requested Meet & Confer, the relevant personnel were available at both of the suggested times. Having heard no response until I saw the meeting invitation and related email this morning, I regret to advise that Defendants are no longer able to meet at those times.

As of this writing, Defendants are available this Tuesday, April 25 at 4:00pm, or, alternatively, Wednesday, April 26 at 4:00pm. Please let us know as soon as possible which of these times work for Plaintiffs to conduct this Meet & Confer.

Thank you.

Michael E. Olney

New York City Law Department

100 Church Street

New York, NY 10007

molney@law.nyc.gov

T: 212-356-1008

From: remy green <remy@femmelaw.com>

Sent: Thursday, April 20, 2023 5:49 PM

To: Olney, Michael (LAW) <molney@law.nyc.gov>

Cc: Bull, Gina <Gina.Bull@ag.ny.gov>; Marts, Sergey (LAW) <semarts@law.nyc.gov>;
PBALitigationTeam@schlamstone.com; macquisto@quinnlawny.com; aquinn@quinnlawny.com;

Stephen Mc Quade <SMcQuade@pittalaw.com>; Payne Litigation Team

<PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com; Gray Legal Team-External

<GrayLegalTeam@dwt.com>; rolonlegalteam@aboushi.com; AG-NYPDLitigation

<AG.NYPDLitigation@ag.ny.gov>; Steven Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba

<lloomba@quinnlawny.com>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Subject: Re: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Hi all,

We can confirm for 2-3. I will send a link shortly.

J. Remy Green

Partner

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On Mon, Apr 17, 2023 at 2:04 PM Olney, Michael (LAW) <molney@law.nyc.gov> wrote:

Good afternoon Gina,

Defendants have reconsidered their position with respect to this issue.

As you are aware, the attorney who is most familiar with both the preparation and the deposition of former DI Kanganis is my colleague, Sergey Marts. Notwithstanding his absence, we are willing to schedule a meet and confer to discuss this issue on Friday, April 21, 2023 at either 2-3pm or 4-5pm.

Therefore, we respectfully request that you hold off filing the draft letter attached to your email pending the outcome of the parties' meet and confer.

Thank you,

Michael E. Olney

New York City Law Department

100 Church Street

New York, NY 10007

molney@law.nyc.gov

T: 212-356-1008

From: Bull, Gina <Gina.Bull@ag.ny.gov>

Sent: Friday, April 14, 2023 3:05 PM

To: Olney, Michael (LAW) <molney@law.nyc.gov>; Marts, Sergey (LAW) <semarts@law.nyc.gov>

Cc: PBALitigationTeam@schlamstone.com; 'macquisto@quinnlawny.com' <macquisto@quinnlawny.com>; aquinn@quinnlawny.com; Stephen Mc Quade <SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com; Gray Legal Team-External <GrayLegalTeam@dwt.com>; rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Subject: RE: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Good afternoon Michael,

Waiting two weeks to meet and confer is not reasonable, especially in light of today's deadline to schedule depositions and Judge Gorenstein's admonishments in the call on Wednesday during Lt. Czark's deposition and again in ECF 936 (and Sergey's own representation that he would get back to us this week). We believe that the Court's rules require a response to a meet and confer that includes dates/times to meet and confer within a reasonable amount of time and that your response fails to do so. Therefore, under ECF 317, we have attached a letter addressing the substance of this dispute. Although that procedure requires an immediate meet and confer, within the next business day, we can hold off filing this letter *if* the City is willing to commit to a meet and confer at which it is prepared to take a final position within the next week. If it is, please provide that date **by Monday at 3 PM**.

Best,
Gina

Gina Bull | Assistant Attorney General & Special Assistant to the First Deputy

New York State Office of the Attorney General | Executive Division

28 Liberty Street, 23rd Floor | New York, New York 10005

Cell: (646) 574-2180 | Gina.Bull@ag.ny.gov

Pronouns: she/her/hers

From: Olney, Michael (LAW) <molney@law.nyc.gov>

Sent: Wednesday, April 12, 2023 4:48 PM

To: Bull, Gina <Gina.Bull@ag.ny.gov>; Marts, Sergey (LAW) <semarts@law.nyc.gov>

Cc: PBALitigationTeam@schlamstone.com; 'macquisto@quinnlawny.com'

<macquisto@quinnlawny.com>; aquinn@quinnlawny.com; Stephen Mc Quade
<SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com; Gray Legal Team-External <GrayLegalTeam@dwt.com>;
rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven
Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>; NYC Law
Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: RE: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition-seeks M&C
4/14

Good afternoon Gina,

Sergey is out of the office for the remainder of this week and next week.

While defendants are conferring internally, due to his absence, we will not be able to meet until his return.

Thank you.

Best,

Michael E. Olney

New York City Law Department

100 Church Street

New York, NY 10007

molney@law.nyc.gov

T: 212-356-1008

From: Bull, Gina <Gina.Bull@ag.ny.gov>
Sent: Tuesday, April 11, 2023 1:38 PM
To: Marts, Sergey (LAW) <semarts@law.nyc.gov>
Cc: PBALitigationTeam@schlamstone.com; macquisto@quinnlawny.com
<macquisto@quinnlawny.com>; aquinn@quinnlawny.com; Stephen Mc Quade
<SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com; Gray Legal Team-External <GrayLegalTeam@dwt.com>;
rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven
Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>; NYC Law
Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: RE: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition-seeks M&C
4/14

Hi Sergey,

Following up on this request. Please let us know your availability for a MAC on Friday.

Thanks,

Gina

From: Marts, Sergey (LAW) <semarts@law.nyc.gov>
Sent: Friday, April 7, 2023 6:12 PM
To: Bull, Gina <Gina.Bull@ag.ny.gov>
Cc: PBALitigationTeam@schlamstone.com; 'macquisto@quinnlawny.com' <macquisto@quinnlawny.com>; aquinn@quinnlawny.com; Stephen Mc Quade <SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com; Gray Legal Team-External <GrayLegalTeam@dwt.com>; rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: RE: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Good evening Gina,

We will confer internally and will get back to you on this next week. Have a great weekend.

Sincerely,

Sergey Marts

Assistant Corporation Counsel

Special Federal Litigation Division

New York City Law Department

100 Church Street

New York, New York 10007

Tel.: 212-356-5051

From: Bull, Gina <Gina.Bull@ag.ny.gov>
Sent: Friday, April 7, 2023 10:38 AM
To: Marts, Sergey (LAW) <semarts@law.nyc.gov>
Cc: PBALitigationTeam@schlamstone.com; 'macquisto@quinnlawny.com' <macquisto@quinnlawny.com>; aquinn@quinnlawny.com; Stephen Mc Quade <SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com; Gray Legal Team-External <GrayLegalTeam@dwt.com>; rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: RE: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Good morning Sergey,

The 30b6 witness yesterday was woefully unprepared to speak to Topics 20 & 21, especially Topic 20. That topic is “The NYPD’s and City of New York’s response, coordination, and cooperation with investigations by any local district attorney’s office, the Civilian Complaint Review Board, the Law Department, or the Department of Investigation of the City of New York into the City’s responses to the Summer 2020 Protests, including requests and responses for the production of documents, witnesses, and other information from Defendants” but the witness and counsel unreasonably interpreted the topic of “investigations by any local district attorney’s office . . . into the City’s responses to the Summer 2020 Protests” as only including wide-scale investigations like that of the DOI (an investigation which did not exist) rather than the investigations that did occur, including criminal investigations of NYPD officers’ responses at the Protests.

In addition to being unprepared to respond to that sub-topic, former DI Kanganis lacked preparation to answer questions squarely about how the City of New York, including the NYPD, worked to respond to, coordinate, and cooperate with investigations, including how it went about preserving and collecting evidence in response to DOI and AG requests for information and the timelines of such production. DI Kanganis also testified that he was not prepared to answer any questions about the City’s “response” to the DOI and CCRB’s reports on the protests outside of information that was contained in two documents publicly available on the NYPD’s website. He was similarly unprepared to answer questions about Topic 21(b) and claimed that the NYPD was unaware of any decisions by DA’s offices to decline or dismiss prosecutions related to the protests outside of public news reports, which is clearly belied by documents produced in this litigation.

More generally, even on subjects where the witness had some knowledge, that preparation was unreasonably shallow. In his response to our questions about his preparation for the deposition, he admitted to not have spoken with any individuals outside of his counsel and had only reviewed a few documents, namely the public reports concluding the investigations from DOI, OAG, and the Law Department and a couple documents we had shared with counsel in advance. As a result, DI Kanganis could only repeatedly respond “I’m not prepared to answer” to dozens of questions asking basic facts about the City’s procedures, coordination, and response to the investigations at issue in the two topics.

We request a meet and confer to discuss the designation of a witness to speak to these topics to the extent DI Kanganis was unable to. Please understand this as a request to meet and confer about the overall lack of preparation for this witness and not limited to the specific examples referenced in this email. We are available next Friday, April 14 at any time.

Thank you,

Gina

From: Marts, Sergey (LAW) <semarts@law.nyc.gov>
Sent: Tuesday, April 4, 2023 6:56 PM
To: Bull, Gina <Gina.Bull@ag.ny.gov>
Cc: PBALitigationTeam@schlamstone.com; macquisto@quinnlawny.com; macquisto@quinnlawny.com; aquinn@quinnlawny.com; Stephen Mc Quade <SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nycclu.org>; Sow-Legal@blhny.com; Gray Legal Team-External <GrayLegalTeam@dwt.com>; rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven

Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: RE: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Good evening Counsel,

We obviously disagree on your reading of Topic No. 20 and we do not agree that specific investigations into allegations of misconduct by the members of the NYPD fall within the scope of this topic. In fact, plaintiffs' Topic No. 17 appears to address that specific subject matter. Equally, we disagree with you reading that Topic No. 20 also covers "*... the Commissioner's decisions to depart from CCRB's recommendations on the basis that they are submitted too close to the statute of limitations.*" Plaintiffs' Topic No. 18 encompasses this subject. Since DI Kanganis was not designated to provide testimony on Topics Nos. 17 and 18, we stand by our objections. Please also note that it is defendants' position that any answers by the witness to the questions outside of the scope of Topics Nos. 20 and 21 will not be binding on the City.

Sincerely,

Sergey Marts

Assistant Corporation Counsel

Special Federal Litigation Division

New York City Law Department

100 Church Street

New York, New York 10007

Tel.: 212-356-5051

From: Bull, Gina <Gina.Bull@ag.ny.gov>

Sent: Tuesday, April 4, 2023 12:27 PM

To: Marts, Sergey (LAW) <semarts@law.nyc.gov>

Cc: PBALitigationTeam@schlamstone.com; 'macquisto@quinnlawny.com'

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<SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-

Legal@blhny.com; Gray Legal Team-External <GrayLegalTeam@dwt.com>;

rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven

Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>; NYC Law

Protest Team <NYCLawProtestTeam@law.nyc.gov>

Subject: RE: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Mr. Marts,

First, your objection to questions and exhibits as "outside of the scope" of the topics is legally improper. *See Crawford v. Franklin Credit Mgmt. Corp.*, 261 F.R.D. 34, 38 (S.D.N.Y. 2009)

(“The proper scope of the questioning of a Rule 30(b)(6) witness is not defined by the notice of deposition, but by Rule 26(b)(1) of the Federal Rules of Civil Procedure, unless a court otherwise directs. . . . ‘In fact, a notice of deposition . . . constitutes the minimum, not the maximum, about which a deponent must be prepared to speak.’”) (internal citations omitted).

In any event, the documents you’re objecting are clearly within the scope of Topic 20 which includes “The NYPD’s and City of New York’s response, coordination, and cooperation with investigations by any local district attorney’s office, the Civilian Complaint Review Board . . .” as they are relevant to questions about the NYPD’s coordination and cooperation with the CCRB’s requests for documents and interviews in their investigation, delays which can result from challenges CCRB has faced in gaining NYPD’s cooperation, and the consequences of such delays, including the Commissioner’s decisions to depart from CCRB’s recommendations on the basis that they are submitted too close to the statute of limitations. NYPD’s response, coordination, and cooperation with investigations by the DA’s offices into allegations of misconduct by members of the NYPD during the protests, which are detailed in the IAB files, are also clearly within the scope of the topic.

We provided this list of exhibits to assist Defendants in their preparation of the witness, which as you know they are obligated to do for any topic which DI Kanganis is not personally knowledgeable. *See Bush v. Element Fin. Corp.*, No. 16-cv-1007 (RJS), 2016 U.S. Dist. LEXIS 189319, at *5 (S.D.N.Y. Dec. 13, 2016). The witness’s review of these exhibits on the deposition day will not count against our time. And, of course, if Defendants’ 30(b)(6) witness is unprepared, it would be “tantamount to a failure to appear” and so we would be entitled to continue the deposition with a properly prepared witness and, potentially, sanctions. *Eid v. Koninklijke Luchtvaart Maatschappij N.V.*, 310 F.R.D. 226, 228 (S.D.N.Y. 2015).

Best,

Gina

From: Marts, Sergey (LAW) <semarts@law.nyc.gov>

Sent: Monday, April 3, 2023 9:42 PM

To: Bull, Gina <Gina.Bull@ag.ny.gov>

Cc: PBALitigationTeam@schlamstone.com; 'macquisto@quinnlawny.com' <macquisto@quinnlawny.com>; aquinn@quinnlawny.com; Stephen Mc Quade <SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com; Gray Legal Team-External <GrayLegalTeam@dwt.com>; rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Subject: Re: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Good evening, Ms. Bull,

Thank you for providing us with the list of the exhibits plaintiffs intend to use during the deposition of DI Kanganis. As you correctly pointed out, DI Kanganis was designated to testify as a 30(b)(6) witness for Topic Nos. 20 and 21. However, quite a few exhibits you listed below fall outside the scope of those two topics. For instance, the 3/15/23 Letter from the Legal Aid Society to Mayor Adams and the 3/18/23 New York Post article “*Civilian Complaint Review Board ‘dumped’ hundreds of cases on NYPD at last minute: police sources*,” you identified in your email below fall outside the scope of Topic Nos. 20 and 21. Similarly, any questions relating to the CCRB case No. 202003860, CCRB case

No. 202004315, as well as any questions pertaining to the IAB case Nos. FI-2020-414 and FI-2020-416 fall outside the scope of Topic Nos. 20 and 21. Defendants object to any questions and exhibits pertaining to the topics which fall outside the scope of Topics Nos. 20 and 21. Therefore, DI Kanganis will not be prepared to testify regarding the specific investigations by the CCRB, IAB, or any of the local DA's offices into "*allegations of misconduct by members of the NYPD during the Summer 2020 Protest*" as well as the results of such investigations at his deposition on Thursday.

Sincerely,

Sergey Marts

Assistant Corporation Counsel

Special Federal Litigation Division

New York City Law Department

100 Church Street

New York, New York 10007

Tel.: 212-356-5051

From: Bull, Gina <Gina.Bull@ag.ny.gov>

Sent: Thursday, March 30, 2023 5:28 PM

To: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Cc: PBALitigationTeam@schlamstone.com <PBALitigationTeam@schlamstone.com>; macquisto@quinnlawny.com <macquisto@quinnlawny.com>; aquinn@quinnlawny.com <aquinn@quinnlawny.com>; Stephen Mc Quade <SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com <Sow-Legal@blhny.com>; Gray Legal Team-External <GrayLegalTeam@dw.com>; rolonlegalteam@aboushi.com <rolonlegalteam@aboushi.com>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven Bushnell <sbushnell@quinnlawny.com>; Lalit Loomba <lloomba@quinnlawny.com>

Subject: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@oti.nyc.gov as an attachment (Click the More button, then forward as attachment).

Counsel,

I write as a courtesy in advance of the deposition of Deputy Inspector John Kanganis, a full-day deposition scheduled for April 6th beginning at 9:30 AM.

As a reminder, DI Kanganis has been designated by Defendants as the 30(b)(6) witness for the following topics:

20: The NYPD's and City of New York's response, coordination, and cooperation with investigations by any local district attorney's office, the Civilian Complaint Review Board, the Law Department, or the Department of Investigation of the City of New York into the City's responses to the Summer 2020 Protests, including requests and responses for the production of documents, witnesses, and other information from Defendants.

21: The NYPD's and City of New York's response to:

- a. the investigation and Preliminary Report by the New York State Office of the Attorney General;
- b. Any decisions by any district attorney to decline to prosecute or dismiss a prosecution related to any of the Arrests made during the Summer 2020 Protests.

The following is a non-exhaustive list of exhibits that may be used in the deposition and with which we expect DI Kanganis to be familiar:

- The Department of Investigation Report (DEF_000174210-324) and related materials, including
 - The Protest Review Investigation Request Tracker Sheet (DEF_000164123)
 - Mayor de Blasio's recorded response to the report (NYAG-G-00001358)
 - The Mass Demonstration Response Recommendations Tracker (DEF_000174330 and publicly available later version [here](#))
- The Law Department Report (SOW001641-695) and related materials
- The NYS OAG Preliminary Report (DEF_000176590-646) and related materials
- The CCRB 2020 Protests Report (OAG-0406960-7549)
- 3/15/23 Letter from the Legal Aid Society to Mayor Adams available [here](#); the 3/18/23 New York Post article "Civilian Complaint Review Board 'dumped' hundreds of cases on NYPD at last minute: police sources" available [here](#); the 7/3/20 Gothamist article "Memo: NYPD Oversight Investigators' Job Has Become 'Untenable' Because of Body Cam Backlog" (DEF-E_000009673-675).
- Documents from the CCRB file for Case no. 202003860, including DEF_000529127-144, OAG-0324700-790, DEF_000484434.
- Documents from the CCRB file for Case no. 202004315, including DEF_000350010 and OAG-0326743-831.
- Documents related to district attorney's offices' investigations of officers for alleged misconduct that occurred at any of the protests, including Officers Vincent D'Andraia and Michael Sher, and documents from the IAB files for case nos. FI-2020-414 and FI-2020-416.
- Emails and other communications related to district attorney's offices' decisions to decline or dismiss prosecution of protestors.

Best,

Gina

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